

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. CR 18-4176 JB

STERLING ISLANDS, INC.,  
AL-ZUNI GLOBAL JEWELRY, INC.,  
JAWAD “JOE” KHALAF,  
NADER KHALAF,  
NASHAT “NASH” KHALAF,  
ZAHER MOSTAFA, and  
TAHA “TOM” SHAWAR,

Defendants.

**DEFENDANTS’ UNOPPOSED MOTION TO EXTEND**  
**REPLY AND EXPERT NOTICE DEADLINES**

Defendants, for good cause, move the Court to extend the Defendants’ deadline to reply to the United States’ Response to the Motion to Dismiss Count 1 [Doc. 59], and the Defendants’ expert notice and report disclosure deadline. Defendants move the Court to extend these deadlines two weeks, until June 21, 2019. Plaintiff United States of America does not oppose the relief requested in this motion. The following constitute good cause for the extension:

1. On March 12, 2019, the Court filed the Proposed Scheduling Order [Doc. 42] (“Scheduling Order”). The Scheduling Order provides that Rule 12 motions, such as the Defendants’ motion to dismiss Count 1, are due to be filed on or before July 5, 2019. Scheduling Order ¶ 6. The Scheduling Order sets the deadline to disclose experts on May 24, 2019. *See id.* ¶ 3. The Scheduling Order set the trial for this matter to begin on November 18, 2019. *See id.* ¶ 13.

2. On May 21, 2019, the Court granted the United States' unopposed motion to continue its deadline to respond to the Defendants' motion to dismiss Count 1 until May 24, 2019.

3. On May 23, 2019, the United States agreed to extend the Defendants' expert disclosure deadline until June 7. On June 6, 2019, the United States agreed to extend the Defendants' expert disclosure deadline until June 21, 2019.

4. On May 24, 2019, the Court vacated the May 29 hearing on the outstanding motions in this matter, including the Motion to Dismiss Count 1. *See* Minute Order [Doc. 58].

5. On May 24, 2019, the United States filed its Response to Defendants' Joint Opposed Motion to Dismiss Count 1 of the Indictment [Doc. 59].

6. On May 28, 2019, the Court's Courtroom Deputy, Ms. Bevel, sent the parties an email stating that the Court will reset the hearing on the outstanding motions, including the motion to dismiss Count 1, on June 24, 2019, at 8:30 a.m.

7. On June 5, 2019, the United States filed its Notice of Intent to Offer Expert Witness Testimony [Doc. 61].

8. On June 3, 2019, the United States and counsel for Defendants met to discuss this proceeding and discuss potential pretrial resolution. The parties' discussions of that nature are ongoing and have been promising thus far.

9. The parties' counsels' discussion are ongoing. An extension of the deadline for the Defendants to reply in support of their motion to dismiss Count 1 will still allow that reply to be filed before the Court's June 24 hearing on the motion. An extension of the Defendants' expert notices and reports to June 21, 2019, will not cause any delay in the scheduled November

trial in this matter. Thus, good cause exists to grant the relief that Defendants request (and which the United States does not oppose) in this motion.

10. For all of these reasons, under 18 U.S.C. § 3161(h)(7) and *United States v. Toombs*, 713 F.3d 1273 (10th Cir. 2013), the ends of justice served by the two-week extension of the expert disclosure and reply deadlines, to allow the parties to continue the discussion in which they are currently engaged, outweigh the best interest of the public and the Defendants in adhering to the Scheduling Order's and Local Rules' deadlines, and good cause exists to grant the two-week extension to June 21, 2019.

### **CONCLUSION**

For good cause, because the two-week extensions requested will not delay any matters in this proceeding, and because the ends of justice served by granting the extension outweigh the best interest of the public and Defendants in adhering to the current deadlines, Defendants move the Court to extend for two weeks, until June 21, 2019, Defendants' deadlines to: (i) file their reply in support of their motion to dismiss Count 1; and (2) file their expert notice(s).

Respectfully Submitted,

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

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CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2019, I filed the foregoing pleading electronically through the CM/ECF system, which caused all parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

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